

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

VICTOR ANTHONY SCHWARTZ,  
aka LOPEZ,

Defendant.

CR 13–46–M–DLC

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on January 2, 2014. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. §

636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

*McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313

(9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm

conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

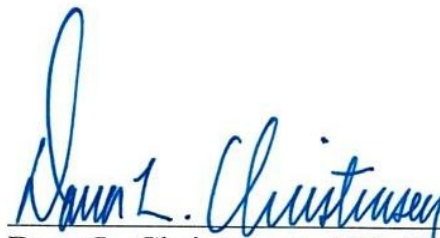
Judge Lynch recommended this Court accept Victor Anthony Schwartz’s

guilty plea after Schwartz appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered his plea of guilty to one count of possession with intent to distribute methamphetamine in violation of 21 U.S.C. § 841(a)(1), as set forth in Count II of the Indictment. In exchange for Defendant's plea, the United States has agreed to dismiss Count I of the Indictment, and not file a motion for an enhanced sentence under 28 U.S.C. §§ 841, 851.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 41), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Victor Anthony Schwartz's motion to change plea (Doc. 33) is GRANTED.

DATED this 18<sup>th</sup> day of February, 2014.



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Dana L. Christensen, Chief District Judge  
United States District Court